

REMARKS

Claims remaining in the present patent application are numbered 1-24. Claims 1, 3, 9, 12, 16, and 21 are amended. The rejections and comments of the Examiner set forth in the Office Action dated April 20, 2004 have been carefully considered by the Applicant. Applicant respectfully requests the Examiner to consider and allow the remaining claims.

35 U.S.C. §101

The present Office Action rejected Claim 1, 2, 4-8, and 21-24 under 35 U.S.C. §101 because the claims are directed to non-statutory subject matter. The Applicant respectfully asserts that Claims 1, 2, 4-8, and 21-24 meet the criteria for a statutory process. Within the claimed subject matter of independent Claims 1 and 21, a default data category is set that is used for accessing data stored in a computer and for storing data in a computer. As such, the bodies of these claims recite a structure or functionality to suggest that a computer implements the methods as recited in independent Claims 1 and 21. As a result, the claimed invention, as a whole, is within the technological arts and is directed to statutory subject matter.

The Supreme Court has held that Congress chose the expansive language of 35 U.S.C. §101 so as to include "anything under the sun that is made by man." *Diamond v. Chakrabarty*, 447 U.S. 303, 308-309 (1980). Accordingly, 35 U.S.C. §101 provides as follows:

Whoever invents or discovers any new and useful process,
machine, manufacture, or composition of matter, or any new

and useful improvement thereof, may obtain a patent therefore, subject to the conditions and requirements of this title.

As cast, 35 U.S.C. defines, as follows, four categories of invention that Congress deems appropriate subject matter of a patent: processes, machines, manufactures, and compositions of matter.

Further, MPEP Section 2106(IV)(B)(2)(b)(ii) defines a statutory process claim as it relates to computer process. A claimed process is statutory if it is "limited to a practical application of the abstract idea or mathematical algorithm in the technological arts." See *Allapat*, 33 F.3d at 1543, 31 USPQ2d at 1556-57 (quoting *Diamond v. Diehr*, 450 U.S. at 192, 209 USPQ at 10). As such, the claimed process is statutorily allowable if it has some practical application.

Applicant agrees that Claims 1, 2, 4-8, and 21-24 produces a useful, concrete and tangible result. Further, independent Claims 1 and 21 impart functionality to the data as claimed or to a computer: specifically, setting a default data category that is used for accessing stored data in a computer and for storing entered data in a computer. In particular, independent Claim 1 recites, in part:

[S]etting a default data category based upon the clock time of day and the time of day profile that is used for accessing stored data in a computer and for storing entered data in the computer at that clock time of day . . .

Thus, Applicant asserts that the claimed process of independent Claim 1 is within the technological arts by suggesting a computer performs the accessing of stored data in a computer and in storing entered data into the computer.

Further, independent Claim 21 recites, in part:

[S]etting a default data category based upon said current time of day and said time of day profile; and
performing actions only within said default data category in a computer at that clock time of day . . .

Thus, Applicant asserts that the claimed process of independent Claim 21 is within the technological arts by suggesting a computer performs actions within the default data category in a computer.

Thus, independent Claims 1 and 21 satisfy the requirements for computer processes that have practical application and are statutorily allowable. As such, Claims 2, and 4-8 which depend on independent Claim 1 are also statutorily allowable as being dependent on a statutorily allowable base claim. Further, Claims 22-24 are also statutorily allowable as being dependent on a statutorily allowable base claim.

35 U.S.C. §103 Rejection

The present Office Action rejected Claims 1-24 under 35 U.S.C. 103(a) as being unpatentable over Goyal et al. (U.S. Patent No. 5,873,108) in view of Koyabu et al. (U.S. Patent No. 6,026,333).

Independent Claims 1, 9, and 16

Regarding Independent Claims 1, 9, and 16, embodiments of the presently claimed invention disclose a method of automating categorization of data, and systems for implementing the method, as presently claimed. In particular, amended Independent Claims 1, 9, and 16 of the present invention recite, in part:

[A] method of automating categorization of data, comprising:
determining a clock time of day;

referencing a time of day profile that correlates clock time of day information with data categories; and
setting a default data category based upon the clock time of day and the time of day profile that is used for accessing stored data in a computer and for storing entered data in the computer at that clock time of day. (Emphasis Added)

The claimed embodiments of Independent Claims 1, 9, and 16 pertain to a method and system for automating the categorization of data. Specifically, embodiments of the present invention recite that a default data category is set based upon a clock time of day (clock TOD) and a time of day profile (TOD profile) that is referenced. That is, the TOD profile correlates clock time information with a data category that is used as a default category.

Applicant respectfully notes that the Goyal et al. reference in view of the Koyabu et al. reference do not suggest, teach, nor comprise the present invention as claimed in independent Claims 1, 9, and 16 in which a default data category is set based upon a clock TOD and a TOD profile.

In particular, the Applicant agrees that the Goyal et al. reference fails to expressly teach, suggest, or disclose referencing a time of day profile that correlates clock time of day information with data categories. Moreover, Applicant asserts that the Goyal et al. reference fails to teach, suggest, or disclose setting a default data category based upon a clock time of day and a time of day profile that is used for accessing stored data in a computer and for storing entered data in the computer at that clock time of day. Specifically, in the Goyal et al. reference, the current day data category is based upon a day of the week, or date of the year, and not upon a clock time of day, as disclosed in independent Claims 1, 9, and 16 of embodiments of the present invention.

Furthermore, the Koyabu et al. reference fails to overcome the shortcomings of the Goyal et al. reference. Applicant disagrees with the statement in the present Office Action that the Koyabu et al. reference teaches referencing a time of day profile that correlates time of day information with data categories, as disclosed within the context of the present invention as claimed. Specifically, the Koyabu et al. reference discloses a data utilizing system that categorizes and tabulates an existing plurality of records according to category definition data. That is, in the Koyabu et al. reference, the category definition data defines, within an applicable period, categories for a plurality of exiting records. For instance, the Koyabu et al. reference categorizes and tabulated existing records by a time period (e.g., a period of months) and a categorization rule in order to analyze trends in the market and in commercial goods based on the existing records.

As a result, in contrast to embodiments of the present invention as recited in independent Claims 1, 9, and 16, the Koyabu et al. reference does not suggest, teach, or disclose setting a default data category based upon the clock time of day and the time of day profile, in which the default data category is used for accessing stored data in a computer and for storing entered data in the computer at that clock time of day. Specifically, the Koyabu et al. reference does not suggest, teach, or disclose the storing of newly entered data according to the default data category based on the clock time of day and the time of day profile.

Thus, because the Goyal et al. reference does not suggest setting a default data category that is clearly set based upon a clock TOD, and because the Koyabu et al. reference fails to overcome this shortcoming, a combined system of the Goyal et al. reference and the Koyabu et al. reference does not collectively suggest, teach,

or disclose the method and system of the present invention of setting a default data category based upon the clock TOD and a TOD profile in order to access stored data in a computer and for storing entered data in a computer at the clock TOD, as recited in independent Claims 1, 9, and 16.

Accordingly, Applicant respectfully submits that independent Claims 1, 9, and 16 overcome the Examiner's basis for rejection. As such, Claims 2-8 which depend on independent Claim 1 are also in a condition for allowance as being dependent on an allowable base claim. Also, Claims 10-15 which depend on independent Claim 9 are also in a condition for allowance as being dependent on an allowable base claim. Further, Claims 17-20 which depend on independent Claim 16 are also in a condition for allowance as being dependent on an allowable base claim.

Independent Claim 21

Independent Claim 21 recites similar limitations as the limitation discussed in the response to the rejections of independent Claims 1, 9, and 16. For analogous reasons set forth in that response, it is respectfully submitted that independent Claim 21 is not rendered obvious over the Goyal et al. reference in view of the Koyabu et al. reference. Specifically, the Goyal et al. reference taken alone or in combination with the Koyabu et al. reference does not teach, suggest, or disclose setting a default data category based upon a current time of day and a time of day profile, and performing actions only within said default data category in a computer at that clock time of day. As such, allowance of independent Claim 21 is respectfully submitted. Also, Claims 22-24, which depend on independent Claim 21 are also in a condition for allowance as being dependent on an allowable base claim.

CONCLUSION

In light of the facts and arguments presented herein, Applicant respectfully requests reconsideration of the rejected Claims.

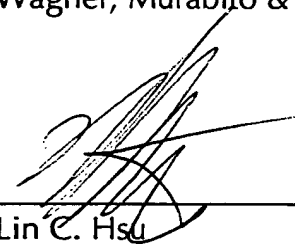
Based on the arguments presented above, Applicant respectfully asserts that Claims 1-24 overcome the rejections of record. Therefore Applicant respectfully solicits allowance of these claims.

The Examiner is invited to contact Applicant's undersigned representative if the Examiner believes such action would expedite resolution of the present Application.

Respectfully submitted,

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